

**NOTICE OF ADOPTION OF ORDINANCE  
BOARD OF COUNTY COMMISSIONERS  
OF WARRICK COUNTY, INDIANA**

Notice is hereby given, pursuant to Indiana Code § 36-2-4-8 and Indiana Code § 5-3-1, that on May 11, 2026, the Board of County Commissioners of Warrick County, Indiana adopted **Ordinance No. 2026-06**, entitled:

**“AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WARRICK  
COUNTY, INDIANA AMENDING AND REPLACING CHAPTER 137 OF THE  
WARRICK COUNTY CODE OF ORDINANCES REGARDING SPECIAL EVENTS”**

**Synopsis.** The Ordinance amends and replaces Chapter 137 of the Warrick County Code of Ordinances in its entirety, governing Special Events. A “Special Event” is defined as an event or gathering, including a farmers’ market, involving the sale or distribution of food or beverages by more than one (1) food vendor on streets, sidewalks, alleys, or other public places or public property. The Chapter requires a current, valid permit issued by the Health Officer when required by the Chapter, establishes application requirements and Event Organizer duties, and sets fees in accordance with Section 41.02 and the Health Department fee schedule approved under Indiana Code § 16-20-1-27. The Chapter authorizes inspections and right of entry, written notices of violation, correction orders, and immediate suspension or closure upon a finding of an imminent health hazard. Administrative appeals are to the Warrick County Local Board of Health. Violations are subject to civil penalties of up to One Hundred Dollars (\$100.00) for a first offense and up to Five Hundred Dollars (\$500.00) for each subsequent offense, subject to the limits of Indiana Code § 36-1-3-8(a)(10). The Ordinance includes severability and judicial-enforcement provisions.

The Ordinance takes effect after passage, approval, and publication as required by law. The complete text of the Ordinance is on file and available for public inspection during regular business hours at the Office of the Warrick County Auditor, One County Square, Suite 270, Boonville, Indiana 47601.

/s/ Michael Dietsch  
Michael Dietsch, Warrick County Auditor

*Publish: May 21<sup>st</sup>, 2026*

ORDINANCE NO. 2026- 06

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WARRICK COUNTY, INDIANA AMENDING AND REPLACING CHAPTER 137 OF THE WARRICK COUNTY CODE OF ORDINANCES REGARDING SPECIAL EVENTS**

**WHEREAS**, the Board of County Commissioners of Warrick County, Indiana is authorized under Indiana Code Title 16, including IC 16-20-1-25, IC 16-20-1-26, and IC 16-20-1-27, to protect public health and to provide local enforcement procedures for matters within the jurisdiction of the County Health Department; and

**WHEREAS**, the Board finds that Chapter 137 should be updated to define the events subject to local Health Department permitting and to provide a clear local permitting, inspection, enforcement, and appeal framework for covered special events;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Warrick County, Indiana, as follows:

**SECTION 1. AMENDMENT AND REPLACEMENT.**

Chapter 137 of the Warrick County Code of Ordinances is amended in its entirety and replaced as follows:

**CHAPTER 137: SPECIAL EVENTS**

***§ 137.01 AUTHORITY; PURPOSE.***

This Chapter is adopted under Indiana Code Title 16, including IC 16-20-1-25, IC 16-20-1-26, and IC 16-20-1-27, to protect public health and to establish local permitting, inspection, enforcement, and appeal procedures for covered special events within Warrick County.

***§ 137.02 DEFINITIONS.***

For purposes of this Chapter:

**DEPARTMENT.** The Warrick County Health Department.

**EVENT ORGANIZER.** A person that owns, manages, sponsors, promotes, or is otherwise responsible for a Special Event.

**HEALTH OFFICER.** The Warrick County Health Officer or the Health Officer's authorized designee.

**IMMINENT HEALTH HAZARD.** A significant and immediate threat to public health or safety, including a condition described as an imminent health hazard under the standards adopted by reference in Chapter 134.

**SPECIAL EVENT.** An event or gathering, including a farmers' market, that involves the sale or distribution of food or beverages by more than one (1) food vendor on streets, sidewalks, alleys, or other public places or public property.

Terms used in this Chapter and defined in Chapter 134 have the meanings assigned in Chapter 134 unless this Chapter provides otherwise.

**§ 137.03 PERMIT REQUIRED.**

- (A) A person may not conduct or allow a Special Event without a current, valid permit issued by the Health Officer when a permit is required by this Chapter.
- (B) A separate permit is required for each Special Event unless the Department expressly approves otherwise in writing.
- (C) A permit issued under this Chapter is not transferable.

**§ 137.04 APPLICATION.**

- (A) An applicant shall submit the application, event information, vendor information, site information, and supporting materials required by the Department.
- (B) The application shall be submitted within the time required by the Department before the event date.
- (C) The Event Organizer shall provide any updated vendor or site information reasonably requested by the Department before or during the event.

**§ 137.05 FEES.**

Fees under this Chapter shall be those established under § 41.02 and the Health Department fee schedule approved pursuant to IC 16-20-1-27.

**§ 137.06 EVENT ORGANIZER DUTIES.**

The Event Organizer shall:

- (A) ensure that covered vendors and event operations comply with applicable law and Department requirements;
- (B) provide the Department reasonable access to the event site, vendor areas, and related records required for administration of this Chapter;
- (C) maintain safe and sanitary conditions at the event site to the extent within the Event Organizer's control;
- (D) promptly communicate Department notices or orders affecting the event to the affected vendor or responsible party; and
- (E) identify a responsible on-site contact for the duration of the event.

**§ 137.07 INSPECTIONS; RIGHT OF ENTRY.**

The Health Officer may enter and inspect a Special Event site, vendor area, and related operation at reasonable times to determine compliance, investigate a complaint, conduct follow-up, verify correction of a violation, or address a suspected foodborne illness or other public health concern.

**§ 137.08 NOTICE OF VIOLATION; CORRECTION ORDER.**

- (A) If the Health Officer finds a violation that does not require immediate suspension or closure, the Health Officer shall issue a written notice of violation or correction order.
- (B) The notice or order shall:
  - 1. identify the violation;
  - 2. state the corrective action required, if applicable;
  - 3. state the shortest reasonable time for correction under the circumstances; and
  - 4. state the consequences of failure to comply.
- (C) Service may be made by personal delivery, certified mail, email to the address provided by the permit holder or applicant, or posting at the event site when personal delivery cannot reasonably be made.

**§ 137.09 IMMINENT HEALTH HAZARD; IMMEDIATE SUSPENSION OR CLOSURE.**

- (A) If the Health Officer finds an imminent health hazard, the Health Officer may, without prior hearing:
  - 1. suspend the Special Event permit;
  - 2. order food or beverage operations to cease in whole or in part; or
  - 3. close the affected vendor operation or, if necessary, the event in whole or in part.
- (B) The Health Officer shall issue a written emergency order stating the basis for the action and the conditions required for reinstatement or reopening.
- (C) The emergency action remains in effect until the hazard is corrected and the Department authorizes reopening or reinstatement, or until modified on appeal.
- (D) A permit holder or Event Organizer may request an expedited hearing under § 137.11(C).

**§ 137.10 DENIAL; SUSPENSION; REVOCATION.**

The Health Officer may deny, suspend, or revoke a permit under this Chapter for: 1. a material false statement in an application; 2. failure to maintain required conditions; 3.

failure to correct a violation within the time allowed; 4. interference with inspection or enforcement; or 5. another material violation of this Chapter or applicable Chapter 134 standards.

**§ 137.11 APPEAL.**

- (A) A person aggrieved by a written denial, suspension, revocation, correction order, or other final enforcement decision under this Chapter may file a written appeal with the Department not later than ten (10) business days after service.
- (B) The Board of Health shall hear the appeal within a reasonable time.
- (C) If the appeal concerns an immediate suspension or closure based on an imminent health hazard, the appellant may request an expedited hearing, and the Board of Health shall hear the appeal as soon as reasonably practicable.
- (D) The Board of Health may affirm, modify, or reverse the action and shall issue a written decision.
- (E) The Board of Health's written decision constitutes the County's final administrative decision under this Chapter.
- (F) This section governs ordinary administrative appeals under this Chapter. Any appeal right created by IC 16-20-5.5 applies only when that statute applies.

**§ 137.12 JUDICIAL ENFORCEMENT; PENALTIES; REMEDIES.**

- (A) A person that violates this Chapter or fails to comply with a lawful order issued under this Chapter commits an ordinance violation.
- (B) A first offense is subject to a civil penalty of not more than One Hundred Dollars (\$100.00).
- (C) A second and each subsequent offense is subject to a civil penalty of not more than Five Hundred Dollars (\$500.00).
- (D) Each day a violation continues constitutes a separate violation.
- (E) All fines and civil penalties imposed under this Chapter are subject to the limits in IC 36-1-3-8(a)(10) per violation.
- (F) The County may enforce this Chapter and any order, citation, or administrative notice issued under it by an action in circuit or superior court as authorized by IC 16-20-1-26, including injunctive relief and other relief authorized by law.
- (G) The remedies in this Chapter are cumulative.

**§ 137.13 RECORDS.**

The Department shall maintain the applications, permits, inspection reports, notices, orders, appeal materials, and other enforcement records required for administration of this Chapter.

**§ 137.14 SEVERABILITY.**

If any part of this Chapter is held invalid, the remaining parts remain in effect.

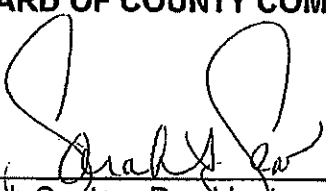
**§ 137.15 EFFECTIVE DATE.**

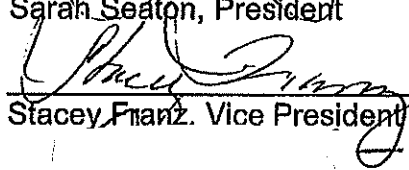
This Ordinance takes effect after passage, approval, and publication as required by law.

**PASSED AND ADOPTED** by the Board of Commissioners of Warrick County, Indiana, this 11<sup>th</sup> day of May, 2026.

**BOARD OF COUNTY COMMISSIONERS of WARRICK COUNTY, INDIANA**

By:

  
\_\_\_\_\_  
Sarah Seaton, President

  
\_\_\_\_\_  
Stacey Franz, Vice President

ATTEST:

  
\_\_\_\_\_  
Michael Dietsch, Warrick County Auditor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Clifford R. Whitehead, Warrick County Attorney

**NOTICE OF ADOPTION OF ORDINANCE**  
**BOARD OF COUNTY COMMISSIONERS**  
**OF WARRICK COUNTY, INDIANA**

Notice is hereby given, pursuant to Indiana Code § 36-2-4-8 and Indiana Code § 5-3-1, that on May 11, 2026, the Board of County Commissioners of Warrick County, Indiana adopted **Ordinance No. 2026-07**, entitled:

**“AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WARRICK  
COUNTY, INDIANA AMENDING AND REPLACING CHAPTER 135 OF THE  
WARRICK COUNTY CODE OF ORDINANCES REGARDING TATTOO AND BODY  
ART ESTABLISHMENTS”**

**Synopsis.** The Ordinance amends and replaces Chapter 135 of the Warrick County Code of Ordinances in its entirety, governing tattoo and body art establishments. The Chapter adopts by reference 410 IAC 1-5 and 410 IAC 1-3 as the minimum sanitation and infectious-waste standards, together with the federal bloodborne-pathogen standard at 29 CFR 1910.1030. The Chapter requires both an Establishment Permit and a Practitioner Permit issued by the Health Officer, establishes application and plan-review requirements, and sets fees in accordance with Section 41.02 and the Health Department fee schedule approved under Indiana Code § 16-20-1-27. The Chapter sets out operator and practitioner duties, authorizes inspections and right of entry, written notices of violation, correction orders, and immediate suspension or closure upon a finding of an imminent health hazard. Administrative appeals are to the Warrick County Local Board of Health. Violations are subject to civil penalties of up to One Hundred Dollars (\$100.00) for a first offense and up to Five Hundred Dollars (\$500.00) for each subsequent offense, subject to the limits of Indiana Code § 36-1-3-8(a)(10). The Ordinance includes severability and judicial-enforcement provisions.

The Ordinance takes effect after passage, approval, and publication as required by law. The complete text of the Ordinance is on file and available for public inspection during regular business hours at the Office of the Warrick County Auditor, One County Square, Suite 270, Boonville, Indiana 47601.

/s/ Michael Dietsch  
Michael Dietsch, Warrick County Auditor

*Publish: May 21, 2026*



ORDINANCE NO. 2026-[07]

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WARRICK COUNTY, INDIANA AMENDING AND RESTATING CHAPTER 135 OF THE WARRICK COUNTY CODE OF ORDINANCES (TATTOO AND BODY ART ESTABLISHMENTS)**

**WHEREAS**, the Board of County Commissioners of Warrick County, Indiana is the County executive and is responsible for protecting the public health, safety, and welfare pursuant to Indiana Code § 16-20-1 *et seq.*; and

**WHEREAS**, the Indiana Department of Health has adopted statewide sanitary operation requirements for tattoo parlors and body piercing facilities at 410 IAC 1-5, and statewide infectious waste requirements at 410 IAC 1-3; and

**WHEREAS**, Indiana law governing the tattooing and body piercing of persons under eighteen (18) years of age is codified at IC 35-45-21-4, which expressly permits local units to adopt ordinances that are at least as restrictive or more restrictive than the statute and state rules; and

**WHEREAS**, the Commissioners find that amending and restating Chapter 135 to adopt the State rules by reference, while providing clear local permitting, inspection, and enforcement procedures—alongside targeted local restrictions—will best protect patrons and practitioners;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Warrick County, Indiana, as follows:

**SECTION 1. AMENDMENT AND RESTATEMENT.**

Chapter 135 of the Warrick County Code of Ordinances, entitled “Tattoo and Body Art Establishments,” is hereby amended in its entirety and restated as follows:

**CHAPTER 135: TATTOO AND BODY ART ESTABLISHMENTS**

**§ 135.01 Authority, Purpose, and Incorporation by Reference**

1. **Authority and Purpose:** This Chapter is adopted pursuant to IC 16-20-1 *et seq.* to protect public health by establishing local permitting, inspection, and enforcement requirements for tattooing and body piercing establishments and practitioners in Warrick County.
2. **Adoption by Reference:** The following are hereby adopted by reference as minimum standards, including any subsequent amendments thereto:
  - 410 IAC 1-5 (Sanitary Operation of Tattoo Parlors);
  - 410 IAC 1-3 (Infectious Waste);
  - 29 CFR 1910.1030 (OSHA Bloodborne Pathogens Standard), as applicable.
3. In the event of a conflict between the provisions of the incorporated state or federal regulations and this Chapter, the provision that affords the highest level of protection to public health shall control, to the extent not preempted by law.



## § 135.02 Definitions

Terms not defined herein shall have the meanings set forth in 410 IAC 1-5 and 410 IAC 1-3.

1. **"Department"** means the Warrick County Health Department.
2. **"Establishment"** means any room, building, or space where tattooing or body piercing is offered to or performed for the public, whether fixed, temporary, or mobile.
3. **"Health Officer"** means the Warrick County Health Officer or an authorized designee.
4. **"Minor"** means any individual under eighteen (18) years of age.
5. **"Practitioner"** or **"Operator"** means an individual who performs tattooing or body piercing on a patron.

## § 135.03 Permits, Fees, and Insurance

1. **Facility Permit Required:** No person shall operate an Establishment without a valid Facility Permit issued by the Department.
2. **Practitioner Permit Required:** No person shall perform tattooing or body piercing without a valid Practitioner Permit issued by the Department. Apprentices and trainees shall not perform invasive procedures on patrons until a permit is obtained.
3. **Insurance:** Each permitted Facility shall maintain general commercial liability insurance covering bodily injury arising out of tattooing and body-piercing activities in an amount not less than \$1,000,000 per occurrence and \$2,000,000 aggregate. Proof of insurance is required for permitting and renewal.
4. **Fees:** A schedule of reasonable fees for Facility Permits, Practitioner Permits, temporary event permits, and re-inspections shall be established by the Board of Health and approved by the County Commissioners. Such fees shall not exceed the cost of services provided.

## § 135.04 Restrictions on Minors and Prohibited Acts

1. **Tattooing of Minors Prohibited:** No Practitioner shall perform tattooing on a Minor under any circumstances, regardless of parental consent.
2. **Piercing of Minors Restricted:** No Practitioner shall perform body piercing on a Minor unless the Minor is accompanied in person by a parent or legal guardian who provides verifiable identification and written informed consent.
3. **Prohibited Piercings:** Notwithstanding parental consent, no Practitioner shall perform oral, genital, or nipple piercing on a Minor.
4. **Prohibited Modifications:** No person shall perform branding, scarification, subdermal implants, or similar advanced body modifications not explicitly authorized by state code.
5. **Home-Based Operations Restricted:** No Establishment shall operate in any room used as living or sleeping quarters, or in any room opening directly into living quarters, unless physically separated by a floor-to-ceiling solid wall with a separate, direct entrance from the outdoors.

6. **Intoxication:** No procedure shall be performed on any patron who appears to be under the influence of alcohol or a controlled substance.

#### **§ 135.05 Consent, Records, and Aftercare**

1. **Verification and Consent:** Prior to any procedure, Practitioners shall verify the age and identity of the patron via a valid, government-issued photo ID, and obtain signed, written informed consent.
2. **Record Retention:** The Facility shall maintain patron records (including copies of IDs, consent forms, parent/guardian verification, and procedure details/pigment lot numbers) for a minimum of two (2) years for adults, and for Minors, two (2) years after the patron reaches age 18, or four (4) years from the procedure date, whichever is longer.
3. **Aftercare:** Practitioners shall provide both written and verbal aftercare instructions to all patrons upon completion of a procedure.

#### **§ 135.06 Inspections and Imminent Hazards**

1. **Right of Entry:** The Health Officer is authorized to enter and inspect any permitted Establishment at reasonable times to verify compliance.
2. **Imminent Public Health Hazard:** If the Health Officer determines that an imminent hazard exists (e.g., gross violations of universal precautions, active communicable disease transmission, use of non-sterile instruments), the Health Officer may issue an emergency order immediately suspending the Facility Permit, the Practitioner Permit, or both, and order the immediate cessation of operations.

#### **§ 135.07 Enforcement and Appeals**

1. **Notices and Orders:** For non-imminent hazards, the Health Officer may issue written notices of violation establishing reasonable timeframes for correction. Permits may be suspended or revoked for severe or repeated noncompliance.
2. **Appeals:** Any person aggrieved by a final written order, permit denial, suspension, or revocation may file a written appeal with the Board of Health within fifteen (15) calendar days after service of the order.
3. **Expedited Hearing:** In the event of an emergency suspension due to an Imminent Public Health Hazard, the Board of Health shall schedule an expedited hearing as soon as reasonably practicable.

#### **§ 135.08 Penalties**

Violations of this Chapter may be enforced through circuit or superior court. The court may impose a civil penalty not to exceed the limits established under Indiana Code § 36-1-3-8, plus allowable court costs. Each day a violation continues shall constitute a separate offense.

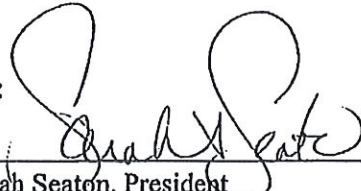
**§ 135.09 Severability and Effective Date**

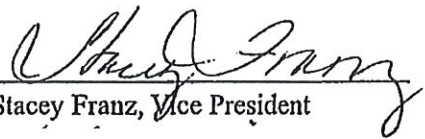
If any section, subsection, or clause of this Chapter is held invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions. This Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law. Existing operators shall have one hundred eighty (180) days from the effective date to achieve full compliance with any newly established local permitting requirements.

**PASSED AND ADOPTED** by the Board of Commissioners of Warrick County, Indiana, this 17<sup>th</sup> day of May, 2026.

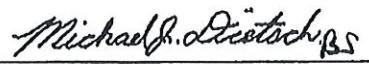
**BOARD OF COUNTY COMMISSIONERS of  
WARRICK COUNTY, INDIANA**

By:

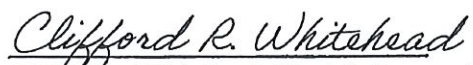
  
\_\_\_\_\_  
Sarah Seaton, President

  
\_\_\_\_\_  
Stacey Franz, Vice President

ATTEST:

  
\_\_\_\_\_  
Michael Dietsch, Warrick County Auditor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Clifford R. Whitehead, Warrick County Attorney

**NOTICE OF ADOPTION OF ORDINANCE**  
**BOARD OF COUNTY COMMISSIONERS**  
**OF WARRICK COUNTY, INDIANA**

Notice is hereby given, pursuant to Indiana Code § 36-2-4-8 and Indiana Code § 5-3-1, that on May 11, 2026, the Board of County Commissioners of Warrick County, Indiana adopted **Ordinance No. 2026-08**, entitled:

**“AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WARRICK  
COUNTY, INDIANA CREATING CHAPTER 136 OF THE WARRICK COUNTY CODE  
OF ORDINANCES REGARDING PUBLIC AND SEMI-PUBLIC POOLS, SPAS,  
WATER ATTRACTIONS, AND BATHING BEACHES”**

**Synopsis.** The Ordinance creates new Chapter 136 of the Warrick County Code of Ordinances regulating public and semi-public pools, spas, water attractions, and bathing beaches. The Chapter adopts by reference 410 IAC 6-2.1, 675 IAC 20, and 410 IAC 6-7.1, together with applicable federal drain-cover requirements under the Virginia Graeme Baker Pool and Spa Safety Act, 15 U.S.C. §§ 8001–8008. The Chapter requires a current, valid permit issued by the Health Officer before operation of an aquatic facility or bathing beach, establishes application and plan-review requirements, and sets fees in accordance with Section 41.02 and the Health Department fee schedule approved under Indiana Code § 16-20-1-27. The Chapter authorizes inspections and right of entry, written notices of violation, correction orders, and immediate suspension or closure upon a finding of an imminent health hazard. Administrative appeals are to the Warrick County Local Board of Health. Violations are subject to civil penalties of up to One Hundred Dollars (\$100.00) for a first offense and up to Five Hundred Dollars (\$500.00) for each subsequent offense, subject to the limits of Indiana Code § 36-1-3-8(a)(10). The Ordinance includes severability and judicial-enforcement provisions.

The Ordinance takes effect after passage, approval, and publication as required by law. The complete text of the Ordinance is on file and available for public inspection during regular business hours at the Office of the Warrick County Auditor, One County Square, Suite 270, Boonville, Indiana 47601.

/s/ Michael Dietsch  
Michael Dietsch, Warrick County Auditor

*Publish: May 21, 2026*



ORDINANCE NO. 2026- 08

**AN ORDINANCE REGULATING PUBLIC AND SEMI-PUBLIC SWIMMING POOLS, SPAS,  
AND SWIMMING BEACHES IN WARRICK COUNTY, INDIANA**

**WHEREAS**, the Board of Commissioners of Warrick County, Indiana is authorized pursuant to Indiana Code §§ 16-20-1-23, 16-20-1-25, 16-20-1-26, and 16-20-1-27 to adopt and enforce reasonable ordinances necessary for the protection of public health; and

**WHEREAS**, the Warrick County Health Department is responsible for protecting and promoting public health within the County, including the regulation and inspection of recreational water facilities; and

**WHEREAS**, the Indiana Department of Health has adopted rules governing public and semi-public swimming pools at 410 IAC 6-2.1, which establish minimum state standards; and

**WHEREAS**, the Board finds that local permitting, inspection, and enforcement provisions are necessary to ensure compliance with state standards, to address localized facility types such as short-term rental properties, and to clarify the method for measuring water surface area to avoid unintended regulatory burdens on multi-unit housing;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of Warrick County, Indiana, as follows:

**SECTION 1: Authority and Purpose**

This Ordinance is adopted pursuant to the authority granted by the State of Indiana under IC 16-20-1 *et seq.* The purpose of this Ordinance is to establish minimum standards for the operation, maintenance, and inspection of public and semi-public swimming pools, spas, water attractions, and swimming beaches within Warrick County to protect the health and safety of the public.

**SECTION 2: Incorporation of State Standards**

The regulations of the Indiana State Department of Health governing public and semi-public swimming pools, as found in 410 IAC 6-2.1, and the Indiana Swimming Pool Code, as found in 675 IAC 20, along with any subsequent amendments thereto, are hereby incorporated by reference and made a part of this Ordinance. In the event of a conflict between incorporated state regulations and this Ordinance, the provision that is legally valid and affords the highest level of protection to public health shall control, except where specifically clarified herein regarding surface area calculations.

**SECTION 3: Definitions and Classifications**

Terms not defined herein shall have the meanings set forth in 410 IAC 6-2.1. For purposes of this Ordinance, the following local classifications shall apply:

1. **"Swimming Beach"** means any natural or artificially created body of water, with a designated swimming area having a minimum surface area of one (1) acre, that is maintained, improved, or advertised for swimming or water recreation by the public or a semi-public entity.
2. **"Semi-Public Pool"** shall explicitly include any swimming pool or spa located at a "Tourist Home" (including but not limited to vacation rental properties, short-term rentals, or properties

marketed on platforms such as Airbnb or VRBO) if the property is made available for overnight lodging to the public and the pool or spa is represented as available for guest use.

3. **"Water Surface Area"** means the horizontal surface area of water in a pool measured in square feet.
  - o *Calculation Exemption for Lifeguard Thresholds:* For the exclusive purpose of calculating whether a semi-public pool meets the surface area threshold requiring a lifeguard under state or local regulations, the Water Surface Area shall be determined by measuring only those areas of the pool where the water depth exceeds twelve (12) inches. Any portion of a pool with a water depth of twelve (12) inches or less (such as shallow splash areas, wading features, or sun shelves) shall be excluded from this calculation.

#### **SECTION 4: Permits and Fees**

1. **Permit Required:** No person shall construct, operate, or allow the operation of any public or semi-public swimming pool, spa, water attraction, or swimming beach in Warrick County without a valid, unexpired permit issued by the Health Department. Permits are non-transferable and shall be renewed annually.
2. **Fees:** A schedule of reasonable fees for plan reviews, initial and renewal permits, and re-inspections shall be established by the Board of Health and approved by the Board of County Commissioners. Such fees may be tiered based on facility size and complexity but shall not exceed the cost of services provided.

#### **SECTION 5: Lifeguard and Safety Requirements**

1. All public pools shall provide qualified lifeguards as required by 410 IAC 6-2.1.
2. Any semi-public pool operating without a lifeguard pursuant to the Water Surface Area calculation exemption established in Section 3 must strictly adhere to the following:
  - o Prominent "NO LIFEGUARD ON DUTY" signage must be posted.
  - o The pool area must be completely enclosed by a secure, locked fence or physical barrier that meets all state and local codes to prevent unauthorized access.

#### **SECTION 6: Inspections and Imminent Hazards**

1. **Right of Entry:** The Health Officer is authorized to inspect pools at reasonable times. Refusal to permit inspection constitutes a violation of this Ordinance.
2. **Emergency Closure:** The Health Officer, or his or her authorize may order the immediate closure of any facility if an imminent health or safety hazard exists, including but not limited to: absence of required disinfectant, water clarity failing to allow visibility of the main drain, entrapment hazards, or the absence of a required lifeguard.

#### **SECTION 7: Variances**

The Health Department may grant a written variance from specific provisions of this Ordinance upon written application by the operator, provided that strict application would cause undue hardship and the

applicant demonstrates that the proposed alternative measures will provide an equivalent or higher level of protection of public health and safety. Variances may be revoked if conditions are violated.

#### **SECTION 8: Enforcement and Penalties**

1. **Notices and Orders:** The Health Officer may issue notices of violation and establish reasonable timeframes for correction of non-critical violations. Permits may be suspended or revoked for severe or repeated noncompliance.
2. **Penalties:** Violations of this Ordinance shall be enforced through appropriate administrative or court action. Civil penalties assessed shall not exceed the limits established under Indiana Code § 36-1-3-8. Each day a violation continues shall constitute a separate offense.

#### **SECTION 9: Indemnification**

As a condition of receiving and maintaining an operating permit, the owner and operator agree to hold harmless and indemnify Warrick County, the Warrick County Health Department, and their officers, employees, and agents from and against claims arising out of the owner or operator's failure to comply with this Ordinance, to the fullest extent permitted by law.

#### **SECTION 10: Appeals**

Any person aggrieved by a permit denial, suspension, revocation, or enforcement order issued under this Ordinance may file a written request for a hearing before the Warrick County Board of Health within fifteen (15) days of the action.

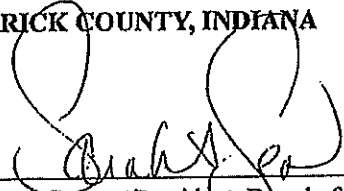
#### **SECTION 11: Severability and Effective Date**

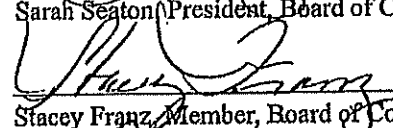
If any section, subsection, or clause of this Ordinance is held invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions. This Ordinance shall be in full force and effect from and after its passage.

**PASSED AND ADOPTED** by the Board of Commissioners of Warrick County, Indiana, this 1<sup>st</sup> day of May, 2026.

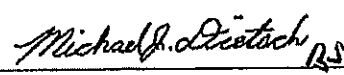
**BOARD OF COUNTY COMMISSIONERS  
WARRICK COUNTY, INDIANA**

By:

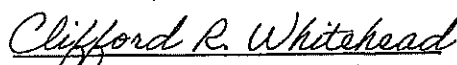
  
\_\_\_\_\_  
Sarah Seaton (President, Board of Commissioners)

  
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Stacey Franz, Member, Board of Commissioners

ATTEST:

  
\_\_\_\_\_  
Michael Dietsch, Auditor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Clifford R. Whitehead, County Attorney



**NOTICE OF ADOPTION OF ORDINANCE**  
**BOARD OF COUNTY COMMISSIONERS**  
**OF WARRICK COUNTY, INDIANA**

Notice is hereby given, pursuant to Indiana Code § 36-2-4-8 and Indiana Code § 5-3-1, that on May 11, 2026, the Board of County Commissioners of Warrick County, Indiana adopted **Ordinance No. 2026-9**, entitled:

**“AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WARRICK  
COUNTY, INDIANA AMENDING AND REPLACING CHAPTER 134 OF THE  
WARRICK COUNTY CODE OF ORDINANCES REGARDING FOOD  
ESTABLISHMENTS”**

**Synopsis.** The Ordinance amends and replaces Chapter 134 of the Warrick County Code of Ordinances in its entirety, governing food establishments. The Chapter adopts by reference 410 IAC 7-26 (the Indiana retail food establishment rule replacing repealed 410 IAC 7-24) as the minimum sanitation and operational standard. The Chapter requires a current, valid permit issued by the Health Officer to operate a retail food establishment, temporary food establishment, mobile retail food establishment, vending machine unit, or micro market, establishes application and plan-review requirements, and sets fees in accordance with Section 41.02 and the Health Department fee schedule approved under Indiana Code § 16-20-1-27. The Chapter authorizes inspections and right of entry, food examination, embargo, and condemnation, written notices of violation, correction orders, and immediate suspension or closure upon a finding of an imminent health hazard. Administrative appeals are to the Warrick County Local Board of Health. Violations are subject to civil penalties of up to One Hundred Dollars (\$100.00) for a first offense and up to Five Hundred Dollars (\$500.00) for each subsequent offense, subject to the limits of Indiana Code § 36-1-3-8(a)(10). The Ordinance includes severability and judicial-enforcement provisions.

The Ordinance takes effect after passage, approval, and publication as required by law. The complete text of the Ordinance is on file and available for public inspection during regular business hours at the Office of the Warrick County Auditor, One County Square, Suite 270, Boonville, Indiana 47601.

/s/ Michael Dietsch

Michael Dietsch, Warrick County Auditor

*Publish: May 21, 2026*

**NOTICE OF ADOPTION OF ORDINANCE  
BOARD OF COUNTY COMMISSIONERS  
OF WARRICK COUNTY, INDIANA**

Notice is hereby given, pursuant to Indiana Code § 36-2-4-8 and Indiana Code § 5-3-1, that on May 11, 2026, the Board of County Commissioners of Warrick County, Indiana adopted **Ordinance No. 2026-10**, entitled:

**“AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WARRICK  
COUNTY, INDIANA AMENDING § 41.02 OF THE WARRICK COUNTY CODE OF  
ORDINANCES REGARDING HEALTH DEPARTMENT FEES”**

**Synopsis.** The Ordinance amends Section 41.02 of the Warrick County Code of Ordinances in its entirety. It authorizes the categories of Health Department fees and administrative charges that may be collected and provides that the amount of each fee shall be established from time to time by resolution of the Warrick County Local Board of Health, approved by the Board of County Commissioners as the county executive, in accordance with Indiana Code § 16-20-1-27. Authorized fee categories include general administrative charges, food, aquatic facilities and bathing beaches, tattoo and body art, vital records, nursing, and environmental health. No fee may exceed the cost of the service provided, and all collections shall be transferred to the Warrick County health fund. The current approved fee schedule shall be maintained on file in the Health Department and in the Office of the County Auditor and shall be available for public inspection. All ordinances or parts of ordinances in conflict with the Ordinance are repealed to the extent of the conflict.

The Ordinance takes effect after passage, approval, and publication as required by law. The complete text of the Ordinance is on file and available for public inspection during regular business hours at the Office of the Warrick County Auditor, One County Square, Suite 270, Boonville, Indiana 47601.

/s/ Michael Dietsch

Michael Dietsch, Warrick County Auditor

*Publish: May 21, 2026*



ORDINANCE NO. 2026- 10

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WARRICK COUNTY, INDIANA AMENDING § 41.02 OF THE WARRICK COUNTY CODE OF ORDINANCES REGARDING HEALTH DEPARTMENT FEES**

**WHEREAS**, Indiana Code § 16-20-1-27 authorizes the board of each local health department, with the approval of the county executive, to establish and collect fees for specific services and records established by local ordinances and state law, provided the fees do not exceed the cost of services provided and are accounted for and transferred to the health fund of the taxing jurisdiction; and

**WHEREAS**, the Board of County Commissioners finds that the Warrick County Code should authorize Health Department fee categories by ordinance while allowing fee amounts to be adjusted by Board of Health resolution approved by the county executive, without requiring a new ordinance each time a fee amount changes;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Warrick County, Indiana, as follows:

**SECTION 1. AMENDMENT AND REPLACEMENT.**

Section 41.02 of the Warrick County Code of Ordinances is amended in its entirety and replaced as follows:

**§ 41.02 HEALTH DEPARTMENT FEES.**

- (A) This section governs Health Department fees and authorized administrative charges. This section does not establish civil fines or penalties for ordinance violations unless a specific ordinance expressly provides otherwise.
- (B) The County Health Department may charge only those fees and administrative charges authorized by this section, other applicable county ordinances, and state law.
- (C) The amount of each fee or administrative charge authorized by this section shall be established from time to time by resolution of the Warrick County Local Board of Health, approved by the Board of County Commissioners as the county executive, in accordance with IC 16-20-1-27.
- (D) No fee or administrative charge established under this section may exceed the cost of the service provided. All fees and charges collected under this section shall be accounted for and transferred to the health fund of Warrick County as required by IC 16-20-1-27.
- (E) The current approved Health Department fee schedule shall be maintained on file in the office of the County Health Department and the County Auditor and shall be available for public inspection.

(F) Unless a specific chapter provides otherwise, the following fee and administrative-charge categories are authorized:

**1. GENERAL ADMINISTRATIVE CHARGES.**

- i. Reinspection.
- ii. Late renewal processing.
- iii. Change-of-ownership review and transition inspection.

**2. FOOD.**

- i. Applications, plan review, and food safety education.
- ii. Food establishment permits.
- iii. Catering permits.
- iv. Mobile food vendor permits.
- v. Temporary event food vendor permits.
- vi. Micro market permits.
- vii. Vending machine unit permits.

**3. AQUATIC FACILITIES AND BATHING BEACHES.**

- i. Aquatic facility permits.
- ii. Bathing beach permits.
- iii. Aquatic facility and bathing beach plan review.

**4. TATTOO AND BODY ART.**

- i. Facility permits.
- ii. Practitioner permits.
- iii. Plan review.

**5. VITAL RECORDS.**

- i. Birth certificates.
- ii. Death certificates.
- iii. Paternity affidavits and copies.
- iv. Birth corrections.
- v. Other records authorized by law.

**6. NURSING.**

- i. Immunizations.

- ii. TB testing and certification.
- iii. Pregnancy testing.
- iv. Other nursing services authorized by law.

**7. ENVIRONMENTAL HEALTH.**

- i. Septic permits.
- ii. Dye tests.
- iii. Water samples.
- iv. Other environmental health services authorized by law.

(G) A fee or administrative charge adopted under this section must correspond to a specific service, permit, inspection, review, or record established by local ordinance or state law. No resolution adopted under this section may create a new substantive permit, program, or regulatory requirement not otherwise authorized by ordinance or law.

(H) In the event of a conflict between a Health Department fee resolution adopted under this section and an older fee schedule or fee amount previously codified or approved, the most recent resolution approved under subsection (C) controls as to fee amounts, and this section controls as to authority and categories.

**SECTION 2. REPEAL OF CONFLICTING PROVISIONS.**

All ordinances or parts of ordinances in conflict with this Ordinance are repealed only to the extent of the conflict.

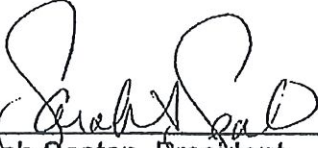
**SECTION 3. EFFECTIVE DATE.**

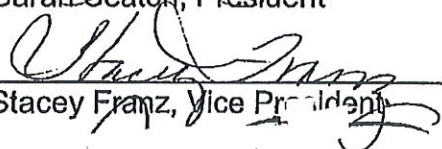
This Ordinance takes effect after passage, approval, and publication as required by law.

**PASSED AND ADOPTED** by the Board of Commissioners of Warrick County, Indiana, this 11<sup>th</sup> day of May, 2026.

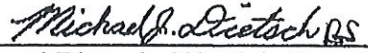
**BOARD OF COUNTY COMMISSIONERS of WARRICK COUNTY, INDIANA**

By:

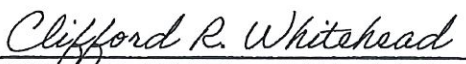
  
\_\_\_\_\_  
Sarah Seaton, President

  
\_\_\_\_\_  
Stacey Franz, Vice President

ATTEST:

  
\_\_\_\_\_  
Michael Dietsch, Warrick County Auditor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Clifford R. Whitehead, Warrick County Attorney



Ordinance No. 2026. 13

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF  
WARRICK COUNTY, INDIANA ESTABLISHING A FIRE PROTECTION ORDINANCE  
FOR CLASS 1 STRUCTURES AND RELATED FIRE-PROTECTION MATTERS IN  
THE UNINCORPORATED AREAS OF WARRICK COUNTY**

**WHEREAS**, Indiana Code 36-8-17 and applicable Indiana law authorize the County to establish and administer supplemental local fire-prevention requirements within the unincorporated areas of Warrick County, Indiana;

**WHEREAS**, the Board of Commissioners finds that coordinated local fire-protection review is needed to protect life safety and property while preserving the Building Commissioner's permit, certificate-of-occupancy, and stop-work authority under County law;

**WHEREAS**, this Ordinance is intended to operate in harmony with Warrick County Code Chapters 133, 150, and 154, and with APC, subdivision, drainage, driveway, roadway, and related county development processes, and is not intended to create an independent fire-department building permit, certificate-of-occupancy, or stop-work regime;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of Warrick County, Indiana, as follows:

**ARTICLE I. GENERAL PROVISIONS**

**Section 1. Purpose**

This Ordinance establishes supplemental local fire-protection requirements for Class 1 structures and related fire-protection matters in the unincorporated areas of Warrick County, Indiana, to be administered in harmony with Indiana law, the rules of the Fire Prevention and Building Safety Commission ("FPBSC"), and Warrick County Code Chapter 150.

**Section 2. Applicability**

- A. This Ordinance applies within the unincorporated areas of Warrick County, Indiana.
- B. This Ordinance is supplemental to Indiana statutes and to the rules adopted by the FPBSC.
- C. This Ordinance applies to Class 1 structures and to any other structure, premises, system, condition, or activity expressly covered by a particular Article.
- D. If a provision of this Ordinance conflicts with Indiana law or a rule of the FPBSC, the state statute or rule controls.

- E. Residential structures are subject only to those Articles or Sections that expressly apply to them.

### **Section 3. Authority**

- A. This Ordinance is adopted pursuant to the County's authority under Indiana law, including IC 36-8-17 and applicable home-rule and code-adoption provisions.
- B. Warrick County establishes a county fire-prevention framework to be carried out through the Building Commissioner and the serving fire department for the area in question, consistent with Indiana law.
- C. Any inspection under IC 36-8-17-8 shall be performed only by an individual who holds the qualifications required by Indiana law and rule at the time of the inspection.
- D. Certification and training records for inspectors acting under this Ordinance shall be maintained and made available to the Building Commissioner upon request.

### **Section 4. Administration**

- A. The Building Commissioner shall administer this Ordinance in coordination with the serving Fire Chief or the Fire Chief's qualified designee.
- B. Nothing in this Ordinance grants the serving fire department independent authority to issue building permits or certificates of occupancy.
- C. The serving fire department's role under this Ordinance is coordinated plan review, inspection, testing, written approval where required, enforcement referral, and recommendation as expressly provided herein.

### **Section 5. Assistance**

The Building Commissioner and the serving fire department may seek assistance from county departments, law enforcement, the County Attorney, the Prosecutor, the Sheriff, IDHS, and the Office of the State Fire Marshal as permitted by law.

### **Section 6. Minimum Standards; State Rules and NFPA Materials**

- A. This Ordinance is supplemental to the rules adopted by the FPBSC, Title 675 of the Indiana Administrative Code, and other applicable Indiana law. To the extent any provision of this Ordinance conflicts with applicable Indiana law or a rule of the FPBSC, the State law or rule controls.
- B. This Ordinance does not independently incorporate the rules of the FPBSC or 675 IAC by reference and does not extend the operation of those rules. Those rules apply directly under Indiana law as the State amends them from time to time.

- C. Where this Ordinance incorporates a specific edition of an external standard, including without limitation any specific NFPA standard or any specific appendix to a model code that is expressly incorporated by Article XXV, the incorporation is by fixed reference only. The specific edition shall be identified in Article XXV. Before enforcement of any incorporated material, at least two (2) copies of the incorporated material shall be on file for public inspection in the office of the Warrick County Auditor, as clerk and recordkeeper for the Board of Commissioners for purposes of this Ordinance, or in such other County office as the Board of Commissioners may designate by resolution as the recordkeeping office for incorporated materials, in compliance with IC 36-1-5-4.
- D. No later amendment, edition, supplement, or successor provision of any material incorporated by reference in this Ordinance is incorporated automatically.
- E. Nothing in this Section limits the operation of Chapter 150, Section 150.40, with respect to rules incorporated under Chapter 150.

## ARTICLE II. DEFINITIONS

**Approved Rapid-Entry System** means a key box, lock box, electronic access-control interface, gate-access device, padlock, vault, or similar emergency-access device or system approved under this Ordinance for use by the serving fire department to obtain emergency access to a building, structure, secured area, gate, or fire-protection system component. An Approved Rapid-Entry System shall be compatible with the emergency-access equipment, procedures, and operational needs of the serving fire department, but this Ordinance does not require use of a sole-source manufacturer unless the Board of Commissioners separately determines that a sole-source requirement is lawful and necessary and expressly adopts that requirement by ordinance, resolution, or written County policy.

**Building Commissioner** means the Warrick County Building Commissioner or duly authorized building official acting under Chapter 150.

**Building Permit** means the permit issued by the Building Commissioner under Chapter 150 authorizing work regulated by that chapter.

**Certificate of Completion** means the written confirmation issued by the serving fire department that a fire-protection system acceptance test required by this Ordinance has been satisfactorily completed.

**Certificate of Occupancy** or **CO** means the certificate of occupancy issued by the Building Commissioner under Chapter 150.

**Class 1 Structure** has the meaning assigned by Indiana law.

**Combustible Construction** means construction consisting in whole or in material part of wood, engineered wood, or other combustible materials, including framed

construction using combustible structural or nonstructural components, but excluding construction classified by the applicable state code as noncombustible or limited-combustible.

**County** means Warrick County, Indiana, acting through the Board of Commissioners, the Building Commissioner, or another County official or office authorized by Indiana law, County ordinance, resolution, or lawful County procedure. References to the territorial application of this Ordinance mean the unincorporated areas of Warrick County, Indiana.

**Fire Alarm System** means a fire alarm system as regulated by applicable Indiana law and the rules of the FPBSC.

**Fire Chief** means the chief of the serving fire department.

**Fire Code Official** means the Fire Chief or a qualified designee acting within the scope of this Ordinance and Indiana law.

**Fire-Protection Approval** means the coordinated local written approval required by Article IV for installation or material modification of a regulated fire-protection system.

**Fire Protection System** means an approved device, equipment, or system used to detect, alarm, control, suppress, or manage fire, smoke, or products of combustion.

**FPBSC** means the Indiana Fire Prevention and Building Safety Commission.

**NFPA** means the National Fire Protection Association.

**Order** means a written directive lawfully issued under this Ordinance or Indiana law requiring correction of a violation, abatement of a condition, cessation of work, restriction of occupancy, evacuation, or other remedial action within a stated time.

**Owner** means a person holding legal or equitable interest in the property.

**Serving Fire Department** means the fire department providing primary fire and emergency response to the property.

**Serving Fire Chief** means the chief of the serving fire department.

**Stop-Work Order** means a written stop-work order issued under Chapter 150 and Section 150.52, whether initiated by the Building Commissioner directly or issued by the Building Commissioner upon fire-code referral.

**Structure** means that which is built or constructed and regulated by applicable Indiana law and Chapter 150.

Any term not defined here shall have the meaning assigned by Indiana law, the applicable rule of the FPBSC, or Chapter 150, in that order.

## **ARTICLE III. PLAN REVIEW**

### **Section 1. General**

- A. Site plans, building plans, and fire-protection system plans for projects within the unincorporated areas of Warrick County shall be submitted for review as required by Indiana law, Chapter 150, and this Ordinance.
- B. The serving fire department shall have the opportunity to review plans affecting fire apparatus access, water supply, hydrants, fire lanes, fire alarm systems, sprinkler systems, standpipes, special hazard suppression systems, hood suppression systems, emergency access systems, and other fire-protection features.
- C. Fire review under this Article runs concurrent with, and supplemental to, county building review.
- D. Fire review and approval under this Ordinance are prerequisites to issuance of a building permit where this Ordinance so requires, but the Building Commissioner remains the formal permit issuer.

### **Section 2. Submission Requirements**

- A. Plans shall be submitted in the form required by the Building Commissioner and any applicable serving fire department procedures.
- B. Digital submission may be required or accepted if compatible with county and fire-department systems.
- C. The Building Commissioner may require sufficient copies and sufficient detail to permit coordinated review.

### **Section 3. Existing Building Modifications**

Plans shall be submitted before alteration, remodeling, addition, or demolition affecting an existing required fire-protection or life-safety system, including any work affecting a sprinkler, alarm, suppression, hood, standpipe, monitoring, or emergency-access system.

## **ARTICLE IV. FIRE-PROTECTION APPROVAL**

### **Section 1. General**



- A. No person shall install or materially modify a fire-protection system in a Class 1 structure without first obtaining required local fire-protection approval under this Article and any required building permit or state approval.
- B. A Fire-Protection Approval is required for installation or material modification of regulated fire-protection systems, including sprinkler systems, standpipes, fire alarm systems, special hazard suppression systems, and commercial kitchen hood suppression systems, unless exempted by the Building Commissioner in coordination with the serving fire department.

## **Section 2. Application**

Applications shall be submitted on county or serving-fire-department forms approved for that purpose and shall include all plans, specifications, calculations, product data, state design-release materials, and other documents required by state law, the rules of the FPBSC, and the applicable adopted NFPA standard.

## **Section 3. Review; Issuance**

- A. The serving fire department shall review the application for compliance with this Ordinance and applicable state law.
- B. After the serving fire department completes its review and provides written approval or recommendation of approval, the Building Commissioner or other County official designated by lawful County procedure may issue, record, or recognize the Fire-Protection Approval for County coordination purposes.
- C. The serving fire department's written approval or recommendation does not constitute a building permit, certificate of occupancy, design release, improvement location permit, or other County or state approval. Issuance, recordation, or recognition of a Fire-Protection Approval does not substitute for any approval required by law.

## **Section 4. Acceptance Testing**

- A. Required acceptance testing shall be witnessed by the serving fire department when required by this Ordinance, applicable Indiana law, the applicable rule of the FPBSC, the approved plans, or the applicable adopted NFPA standard.
- B. The applicant, owner, contractor, or other responsible party shall provide not less than forty-eight (48) hours' advance notice to the serving fire department before any required acceptance test, unless the serving Fire Chief or qualified designee waives or shortens the notice period in writing.
- C. Failure to provide the required notice may result in rescheduling of the acceptance test and shall not require the serving fire department or the Building Commissioner to accept, approve, or rely upon an unwitnessed test unless

acceptance of the test is otherwise authorized by applicable law, approved procedure, or written approval of the serving Fire Chief or qualified designee.

- D. If the system passes the required acceptance test, the serving fire department may issue a Certificate of Completion.
- E. A Certificate of Completion is not a certificate of occupancy and does not authorize occupancy.

### **Section 5. Validity; Posting of County Permit**

- A. A Fire-Protection Approval remains valid for one (1) year unless earlier revoked, suspended, expired by its terms, or superseded by a material change requiring resubmission.
- B. Where work subject to this Ordinance also requires a building permit, improvement location permit, or other County permit, the County permit shall be posted at the site in the manner required by Chapter 150, County procedure, or the issuing County office.
- C. The posted County permit shall be available for inspection by the Building Commissioner, the serving fire department, and any other authorized County official during work subject to this Ordinance.
- D. Failure to post or make available a required County permit does not transfer permit-issuance authority to the serving fire department, but may be referred to the Building Commissioner for action under Chapter 150 or other applicable County authority.

### **Section 6. Appeals**

Any appeal relating to an order or decision under this Article shall proceed under Article XIX to the extent state law so requires; otherwise any appeal rights expressly available under Chapter 150 remain supplemental only.

## **ARTICLE V. PERMITTING AND OCCUPANCY COORDINATION**

### **Section 1. Building Permit Coordination**

- A. No building permit for a Class 1 structure, or for work affecting a regulated fire-protection system, shall be issued until all fire review and approval required by this Ordinance have been completed.
- B. The Building Commissioner is the formal issuer of the building permit.
- C. Fire approval under this Ordinance is a condition precedent to issuance of the building permit where required by this Article.

## **Section 2. Combustible Construction; Water Supply; Access**

No building permit for Class 1 combustible construction shall be issued until required fire-apparatus access and required water supply have been reviewed and addressed in a manner acceptable to the Building Commissioner, after consultation with the serving fire department, and consistent with applicable Indiana law, approved plans, Chapter 150, and any applicable APC, subdivision, County Engineer, roadway, driveway, drainage, utility, or other County development-review process. This Section does not independently require installation of final access or water-supply improvements before building-permit issuance unless such installation is required by applicable law, approved plans, Chapter 150, or another lawful County approval.

## **Section 3. Occupancy Coordination**

- A. No certificate of occupancy shall issue until required fire inspections, approvals, acceptance tests, and required fire-protection documentation have been completed.
- B. The Building Commissioner is the formal issuer of the certificate of occupancy.
- C. Fire approval under this Ordinance is a condition precedent to issuance of the certificate of occupancy.
- D. Nothing in this Article authorizes the serving fire department to issue a certificate of occupancy.

## **ARTICLE VI. STOP-WORK ORDERS**

### **Section 1. Construction Stop-Work Orders Under Chapter 150**

- A. Stop-work orders affecting construction, building-permit work, or other work regulated by Warrick County Code Chapter 150 shall be issued, coordinated, and enforced under Chapter 150, including § 150.52, by the Warrick County Building Commissioner.
- B. This Ordinance does not authorize the serving fire department, Fire Chief, fire inspector, or other fire official to issue a local construction stop-work order under Chapter 150.
- C. The serving fire department may issue a written fire-safety notice, inspection report, or enforcement referral identifying work or conditions that present a fire-safety concern. Upon receipt of a written referral, the Building Commissioner shall promptly review the referral and determine whether action under Chapter 150, including a stop-work order, permit revocation, withholding of permits, inspection, occupancy action, or other lawful enforcement action, is warranted.
- D. The Building Commissioner should provide written notice of the determination to the serving fire department within a reasonable time.

## **Section 2. Independent Fire-Safety Authority**

- A. Nothing in this Ordinance limits any independent inspection or enforcement authority that a fire department may have under IC 36-8-17, including authority recognized in Warrick County Code § 150.31.
- B. A serving fire department may issue a fire-safety correction order, emergency order, temporary order, inspection report, notice, referral, or other fire-safety enforcement document only to the extent authorized by IC 36-8-17, IC 4-21.5, other applicable Indiana law, or lawful County ordinance.
- C. An emergency or temporary order issued under IC 36-8-17-9 and IC 4-21.5-4 must comply with the approval, notice, review, and enforcement procedures required by Indiana law, including any required approval by the State Fire Marshal or successor state official.
- D. A fire-safety order issued under IC 36-8-17 is not a Chapter 150 stop-work order unless it is also issued by the Building Commissioner under Chapter 150.
- E. A fire-safety order issued under IC 36-8-17 has only the legal effect provided by the issuing statute and applicable Indiana law. If a fire-safety order requires correction, abatement, restriction, evacuation, or other action that overlaps with work regulated by Chapter 150, the order does not, by itself, suspend, revoke, or condition a building permit, certificate of occupancy, improvement location permit, or other Chapter 150 authorization unless the Building Commissioner separately takes action under Chapter 150. The Building Commissioner shall determine, under Section 1(C) and Section 1(D) of this Article, whether action under Chapter 150 is warranted.

## **Section 3. No Parallel Permit or Construction-Control Regime**

Nothing in this Article authorizes the serving fire department to issue, deny, suspend, revoke, or condition a building permit, improvement location permit, certificate of occupancy, site-development approval, subdivision approval, driveway approval, drainage approval, roadway approval, or utility approval except through review, comment, inspection, report, referral, or enforcement authority expressly authorized by Indiana law, Chapter 150, this Ordinance, or other lawful County procedure.

## **ARTICLE VII. FIRE DEPARTMENT CONNECTION REQUIREMENTS**

- A. Fire department connections shall be installed, located, marked, and maintained as required by applicable Indiana law, the applicable rule of the FPBSC, approved plans, and any applicable adopted NFPA standard.
- B. The location and signage of a fire department connection shall be reviewed with the serving fire department before installation.

- C. The fire department connection shall be located and marked in a manner consistent with applicable code requirements, approved plans, site conditions, and the serving fire department's reasonable written recommendations for emergency access, visibility, and apparatus operations.
- D. A fire department connection shall not be obstructed, concealed, relocated, removed, or rendered inaccessible except as authorized by applicable law, approved plans, or written approval of the Building Commissioner after consultation with the serving fire department.
- E. Approval under this Article is limited to fire department connection access, visibility, and emergency-response considerations and does not substitute for any other County or state approval required for the work.

## **ARTICLE VIII. FIRE ALARM REQUIREMENTS**

### **Section 1. Monitoring**

Fire alarm systems required by state code or this Ordinance and installed after the effective date of this Ordinance shall be monitored as required by applicable state code and the rules of the FPBSC.

### **Section 2. Testing and Notice**

- A. The serving fire department shall be given not less than forty-eight (48) hours' advance notice of any supervised fire drill or scheduled fire-alarm system test that may transmit, report, or appear to report an alarm condition to the Warrick County emergency communications center, the serving fire department, a supervising station, or other emergency-response entity.
- B. Notice shall be given in the manner established by published County or serving-fire-department procedure on file for public inspection, if such procedure exists. If no such procedure exists, notice may be given by any reasonable written method accepted by the serving fire department.
- C. The serving Fire Chief or qualified designee may waive or shorten the notice period for good cause, including emergency repair, urgent restoration of service, required retesting, or other circumstances where delayed testing would create a greater life-safety or property-protection risk.
- D. A properly noticed supervised drill or scheduled test shall not be treated as a false or faulty alarm solely because an alarm signal is transmitted during the noticed testing period, unless the transmission results from negligent testing, failure to follow the notice given, failure to place the system in the appropriate test status, or other conduct separately subject to enforcement under this Ordinance or applicable law.

### **Section 3. Alarm Zones and Annunciators**



Where required by the applicable code, zone maps, annunciators, and associated controls shall be installed and maintained in approved locations for fire-department use.

## **ARTICLE IX. INSPECTION, TESTING, AND MAINTENANCE REPORTING**

### **Section 1. General**

The owner of property containing a required fire-protection system shall cause inspection, testing, and maintenance to be performed as required by applicable state law and the applicable adopted NFPA standard.

### **Section 2. Reporting**

- A. Reports of required inspection, testing, maintenance, repair, and replacement shall be submitted to the serving fire department within the time required by applicable Indiana law, the applicable rule of the FPBSC, the applicable adopted NFPA standard, an approved plan, or a lawful order. Reports may be submitted by any reasonable written method, including by email to a designated address that the serving fire department shall publish and maintain on file with the Warrick County Auditor or other County recordkeeping office designated under this Ordinance. If the County or serving fire department designates a specific reporting system or platform, use of that system or platform shall be a permitted method of submission, but shall not be the exclusive required method unless the County expressly requires exclusive use by ordinance, resolution, or other lawful County action.
- B. Records shall also be maintained on the premises or made readily available for the period required by the applicable code or standard.

### **Section 3. Repairs**

If a required system fails inspection or testing, the owner shall repair or replace the deficient item within the time required by the applicable code, standard, order, or approved correction period.

## **ARTICLE X. REQUIRED WATER SUPPLY FOR FIRE PROTECTION**

### **Section 1. Scope; Water-Supply and Fire-Flow Review**

- A. A water supply capable of supporting required fire flow for firefighting purposes shall be provided for new Class 1 structures as required by applicable Indiana law, the applicable rules of the FPBSC, approved plans, this Ordinance, and any lawfully incorporated standard.
- B. Water-supply and fire-flow review under this Ordinance is triggered by an application for a building permit, improvement location permit, certificate of occupancy, state design release, fire-protection-system installation or material modification, or other County or state permit or approval for Class 1 construction

work. The review applies to new Class 1 construction, additions, material alterations, changes of use or occupancy, and fire-protection-system installation or modification when the proposed work increases required fire flow, affects available water supply, affects fire hydrant location or distribution, changes hazard classification, increases occupant load, or otherwise triggers review under applicable law, approved plans, or lawful County procedure.

- C. This Article does not require an existing lawful Class 1 structure to retrofit, extend, or upgrade water supply solely because this Ordinance is adopted. Existing lawful structures remain subject to applicable Indiana law, lawful orders, approved plans, permit-triggered review, and requirements arising from additions, material alterations, changes of use or occupancy, fire-protection-system work, or other lawful review trigger.
- D. Subdivision, plat, site-development, roadway, drainage, driveway, and utility-system review remain governed by the APC, subdivision-control procedures, the County Engineer, utilities, water providers, and other applicable County development-review processes. The serving fire department's input on water supply and fire flow for those matters shall be provided through those processes as review and comment, and shall not constitute an independent fire-department approval, denial, condition, or hold under this Ordinance.
- E. Water-supply and fire-flow review shall be coordinated with Chapter 150, applicable FPBSC rules, state design-release requirements, approved plans, APC review, subdivision-control procedures, County Engineer authority, utility and water-provider requirements, roadway, driveway, drainage, and other County development-review procedures. Nothing in this Article authorizes the serving fire department to approve, deny, modify, condition, or hold a plat, subdivision approval, roadway approval, driveway approval, drainage approval, utility approval, improvement location permit, building permit, certificate of occupancy, or site-development approval. Fire-department input on those matters shall be provided only as review, comment, recommendation, inspection report, order where otherwise authorized by Indiana law, or referral through the County process controlled by the official, board, commission, or agency with lawful jurisdiction.

## **Section 2. Fire-Flow Review; Appendix B**

- A. Appendix B (Fire-Flow Requirements for Buildings) of the International Fire Code, 2012 Edition, first printing dated May 2011, as published by the International Code Council, is not incorporated as enforceable law by this Ordinance. Appendix B may be consulted only as nonbinding reference guidance for fire-flow considerations under this Article, subject to applicable Indiana law, applicable FPBSC rules, approved plans, Chapter 150, utility and water-provider requirements, County roadway, driveway, subdivision, drainage, and development-review standards, and the authority of the official, board, commission, or agency with lawful jurisdiction.

- B. Appendix B does not create an independent fire-flow permitting, subdivision, plat, roadway, driveway, drainage, utility, improvement location permit, building permit, or site-development approval standard. Any fire-department input based on Appendix B shall be provided only as review, comment, recommendation, inspection report, or referral through the County process controlled by the official, board, commission, or agency with lawful jurisdiction.
- C. This Section shall be applied in harmony with Chapter 150, state design-release requirements, applicable FPBSC rules, approved plans, APC review, subdivision-control procedures, County Engineer authority, utility requirements, water-provider requirements, roadway, driveway, drainage, and other County development-review procedures.
- D. Nothing in this Section authorizes the serving fire department to impose a fire-flow requirement more stringent than applicable Indiana law, FPBSC rules, any standard lawfully applicable under Indiana law, approved plans, or other lawful County approval.
- E. This Section does not require retroactive fire-flow improvements to existing lawful structures unless required by applicable law, a lawful order, approved plans, a change of use or occupancy, material alteration, addition, fire-protection-system work, or other lawful permit-triggered review. Subdivision, plat, site-development, roadway, drainage, driveway, and utility-review matters remain governed by the applicable County development-review process, with fire-flow input provided as review and comment unless another lawful County procedure expressly provides otherwise.

### **Section 3. Alternative Compliance**

- A. If strict compliance with a water-supply or fire-flow requirement is impracticable because of site conditions, utility limitations, water-provider limitations, roadway configuration, drainage constraints, or other circumstances, the applicant may propose alternative compliance measures for review.
- B. Alternative compliance may include fire-protection-system enhancements, approved access improvements, approved water-storage or drafting arrangements, building-design modifications, occupancy limitations, phasing, or other measures allowed by applicable law, approved plans, and lawful County procedure.
- C. Alternative compliance shall not waive or vary any requirement of Indiana law, FPBSC rules, state design-release approval, Chapter 150, subdivision-control requirements, utility requirements, or any other applicable County approval unless the waiver or variance is granted by the official, board, commission, or agency with lawful authority to grant it.

## **ARTICLE XI. FIRE HYDRANTS**

## **Section 1. General**

Required fire hydrants shall be installed, located, marked, and maintained in accordance with applicable state code, approved plans, and this Ordinance.

## **Section 2. Hydrant-Location and Distribution Review; Appendix C**

- A. Appendix C (Fire Hydrant Locations and Distribution) of the International Fire Code, 2012 Edition, first printing dated May 2011, as published by the International Code Council, is not incorporated as enforceable law by this Ordinance. Appendix C may be consulted only as nonbinding reference guidance for hydrant-location and distribution considerations under this Article, subject to applicable Indiana law, applicable FPBSC rules, approved plans, Chapter 150, utility and water-provider requirements, County roadway, driveway, subdivision, drainage, and development-review standards, and the authority of the official, board, commission, or agency with lawful jurisdiction.
- B. Appendix C does not create an independent hydrant-location, subdivision, plat, roadway, driveway, drainage, utility, improvement location permit, building permit, or site-development approval standard. Any fire-department input based on Appendix C shall be provided only as review, comment, recommendation, inspection report, or referral through the County process controlled by the official, board, commission, or agency with lawful jurisdiction.
- C. This Section shall be applied in harmony with Chapter 150, applicable FPBSC rules, state design-release requirements, approved plans, APC review, subdivision-control procedures, County Engineer authority, utility requirements, water-provider requirements, roadway, driveway, drainage, and other County development-review procedures.
- D. Nothing in this Section authorizes the serving fire department to approve, deny, modify, condition, or place a hold on any plat, subdivision approval, roadway approval, driveway approval, drainage approval, utility approval, improvement location permit, building permit, certificate of occupancy, or site-development approval. Fire-department input on those matters shall be provided only as review, comment, recommendation, inspection report, or referral through the County process controlled by the official, board, commission, or agency with lawful jurisdiction.
- E. This Section does not require retroactive hydrant installation, relocation, or distribution improvements for existing lawful structures unless required by applicable law, a lawful order, approved plans, a change of use or occupancy, material alteration, addition, site-development approval, or other permit-triggered review.
- F. Private fire hydrants shall be installed, tested, maintained, repaired, and kept accessible as required by applicable Indiana law, the applicable rule of the

FPBSC, approved plans, this Ordinance, and any applicable adopted NFPA standard.

- G. Unless another color or marking is required by a utility, water provider, approved plan, applicable law, or written County standard, private fire hydrants shall be painted red for identification as private fire hydrants.
- H. The owner of property served by a private fire hydrant shall maintain the hydrant and the required identification markings in good condition.
- I. Nothing in this Section alters the authority of a water utility, water provider, County Engineer, or other agency with lawful authority over hydrant installation, operation, color coding, or maintenance.

### **Section 3. Existing Buildings**

This Article applies to new work prospectively. It does not require retrofitting existing lawful structures except where required by state law or where new work triggers compliance under applicable law.

## **ARTICLE XII. DRY HYDRANTS**

- A. Where a dry hydrant is required by applicable Indiana law, the applicable rule of the FPBSC, approved plans, this Ordinance, or a lawful condition of County approval, the dry hydrant shall be installed and maintained in accordance with applicable code requirements, approved plans, and this Article.
- B. B. Unless otherwise approved in writing by the Building Commissioner, after consultation with the serving fire department and any County official, board, commission, utility, water provider, or agency with lawful jurisdiction over roadway, drainage, right-of-way, utility, site-development, or access issues, due to site conditions, roadway conditions, safety, water-source configuration, drainage, right-of-way limitations, utility limitations, or other practical constraint, a required dry hydrant shall: (1) be located within eight (8) feet of the edge of the roadway or approved fire-apparatus access route; (2) have the connection located not less than thirty (30) inches and not more than thirty-six (36) inches above finished grade; (3) be painted red; (4) use a six-inch (6") female National Standard Thread connection with a cap, unless a different connection is required by applicable code, approved plans, or written approval of the Building Commissioner after consultation with the serving fire department based on equipment compatibility and site conditions; (5) be installed in accordance with applicable Indiana law, the applicable rule of the FPBSC, approved plans, and any applicable adopted NFPA standard; and (6) be identified by a sign stating: "Fire Department Dry Hydrant - Do Not Block."
- C. Dry hydrants shall be maintained in an accessible, visible, and usable condition. Obstruction, removal, concealment, or disabling of a required dry hydrant is prohibited except as authorized by applicable law, approved plans, or written

approval of the Building Commissioner after consultation with the serving fire department.

- D. This Article does not independently require dedication, acceptance, alteration, or approval of a public road, private road, driveway, drainage facility, right-of-way, easement, plat, or subdivision improvement. Any such matter shall be handled through the applicable County process.

## **ARTICLE XIII. FIRE DEPARTMENT ACCESS ROADS**

### **Section 1. Access Roads**

- A. Fire department access roads shall be provided and maintained for Class 1 structures as required by applicable Indiana law, the applicable rule of the FPBSC, approved plans, and this Ordinance.
- B. Width, clearance, grade, surface, turning radius, dead-end configuration, marking, and related access-road features shall comply with applicable Indiana law, the applicable rule of the FPBSC, approved plans, and any specific County roadway, driveway, subdivision, drainage, utility, or development-review standard adopted or approved by the County official, board, commission, or agency with lawful authority over that matter.
- C. This Ordinance does not independently adopt IFC Appendix D or any other external fire-apparatus-access-road standard as enforceable law unless the standard is expressly identified in Article XXV and incorporated in compliance with IC 36-1-5-4. Appendix D of the 2012 International Fire Code may be consulted only as nonbinding reference guidance for fire-apparatus access considerations. Fire-apparatus needs, equipment characteristics, and serving fire-department operational considerations may be addressed through written review, comment, recommendation, inspection report, or referral only to the extent authorized by applicable Indiana law, Chapter 150, approved plans, this Ordinance, or other lawful County procedure. They may not be enforced as unpublished dimensional or design standards.
- D. This Article does not create an independent APC, plat, subdivision, driveway, drainage, roadway, utility, or site-development approval regime.
- E. For new subdivisions, site development, roadway improvements, driveway improvements, drainage improvements, plats, development plans, utility improvements, or other matters subject to APC, County Engineer, Drainage Board, highway, driveway, utility, or other County development-review authority, fire-access requirements shall be applied through coordinated review and harmonized with the governing County process and approved plans.
- F. Nothing in this Article authorizes the serving fire department to approve, deny, modify, condition, or place a hold on any plat, subdivision approval, roadway approval, driveway approval, drainage approval, utility approval, improvement



location permit, building permit, certificate of occupancy, or site-development approval. Fire-department input on those matters shall be provided only as review, comment, recommendation, inspection report, or referral through the County process controlled by the official, board, commission, or agency with lawful jurisdiction.

## **Section 2. Gates and Traffic-Control Features**

- A. Gates, islands, bollards, curbing, traffic-control devices, and similar barriers or features affecting fire-apparatus access to a Class 1 structure are subject to fire review under this Ordinance.
- B. Any required fire review shall be coordinated with the Building Commissioner and, where applicable, with APC, County Engineer, roadway, driveway, drainage, subdivision, site-development, or other County review processes.
- C. Approval under this Section is limited to fire-apparatus access and emergency-response considerations and does not substitute for any approval, permit, or authorization required from another County office, board, commission, or official.

## **ARTICLE XIV. FIRE DEPARTMENT EMERGENCY ACCESS**

### **Section 1. Rapid Entry Systems**

- A. A. Where required by applicable Indiana law, the applicable rule of the FPBSC, approved plans, this Ordinance, or a written determination issued through the applicable County permitting, inspection, or enforcement process based on documented emergency-access needs, an Approved Rapid-Entry System shall be installed and maintained.
- B. An Approved Rapid-Entry System shall be compatible with the emergency-access equipment and procedures used by the serving fire department and shall be consistent with applicable code requirements.
- C. If the serving fire department participates in the Knox rapid-entry program or maintains Knox-compatible emergency-access equipment, a Knox key box, Knox key vault, Knox padlock, Knox override switch, or other Knox-compatible device may be specified, accepted, or identified as a compatible rapid-entry system for that serving fire department.
- D. The serving fire department shall publish and maintain a written list of compatible rapid-entry system performance specifications. The list shall be maintained on file with the Warrick County Auditor for public inspection, shall identify each performance criterion and the technical basis for the criterion, and may identify Knox-compatible equipment as a currently compatible option where applicable. The list shall not make Knox or any other manufacturer the exclusive option unless the Board of Commissioners separately determines that a sole-source

requirement is lawful and necessary and expressly adopts that requirement by ordinance, resolution, or written County policy.

- E. A rapid-entry system from any manufacturer that satisfies the listed performance criteria shall be deemed compatible unless the serving fire department issues a written determination, based on objective operational or technical criteria, explaining why the system is not compatible.
- F. The location of an Approved Rapid-Entry System shall be approved by the serving fire department based on building layout, fire-protection-system location, gate or access-control configuration, emergency-access needs, and applicable code requirements.
- G. Approval under this Section shall be limited to emergency-access and fire-response considerations and shall not substitute for any building permit, certificate of occupancy, improvement location permit, electrical approval, access-control approval, or other approval required by Indiana law or County ordinance.
- H. The owner or occupant shall maintain current keys, access cards, codes, credentials, or other access materials required for the Approved Rapid-Entry System.
- I. This Section shall not be construed to require a sole-source manufacturer unless such requirement is separately and expressly authorized as provided in subsection D.

## **ARTICLE XV. FIRE PROTECTION IN RECREATIONAL VEHICLE, MOBILE HOME, AND MANUFACTURED HOUSING PARKS; SALE AND STORAGE LOTS**

### **Section 1. Scope; Coordination With Applicable Law and Approved Plans**

- A. New or expanded recreational vehicle parks, mobile home parks, manufactured housing parks, and related sales or storage lots shall provide and maintain fire hydrants, fire-department access roads, emergency water-supply features, rapid-entry or gate-access features, and other fire-protection features as required by applicable Indiana law, the applicable rules of the FPBSC, approved plans, this Ordinance, and any lawful County approval applicable to the project.
- B. This Article applies to new or expanded parks or lots, and to additions, material alterations, changes of use or occupancy, fire-protection-system work, site-development review, subdivision or plat review, or other work requiring County or state review, only to the extent the work triggers review under applicable law, approved plans, or lawful County procedure.
- C. This Article does not require retroactive fire-protection improvements to existing lawful parks, lots, structures, roads, utilities, hydrants, or access features solely

because this Ordinance is adopted, unless required by applicable law, a lawful order, approved plans, a permit-triggered review, or another lawful review trigger.

- D. Review under this Article shall be coordinated through the applicable County permitting, improvement-location-permit, APC, subdivision, site-development, roadway, driveway, drainage, County Engineer, utility, water-provider, and other development-review processes.
- E. Nothing in this Article authorizes the serving fire department to approve, deny, modify, condition, or place a hold on any plat, subdivision approval, roadway approval, driveway approval, drainage approval, utility approval, improvement location permit, building permit, certificate of occupancy, or site-development approval. Fire-department input on those matters shall be provided only as review, comment, recommendation, inspection report, or referral through the County process controlled by the official, board, commission, or agency with lawful jurisdiction.

## **ARTICLE XVI. FALSE OR FAULTY ALARMS**

### **Section 1. State Criminal Law; Repeated Faulty Alarms**

- A. The County recognizes that knowingly causing, transmitting, reporting, or permitting the transmission or reporting of a false fire alarm may be subject to Indiana criminal law or other state-law enforcement. Nothing in this Ordinance is intended to displace, duplicate, or limit any state criminal statute, infraction statute, or state-law enforcement process applicable to false alarms. Conduct constituting a crime or infraction under Indiana law shall be enforced through the state criminal justice system or other applicable state-law process, not as a separate local criminal offense under this Ordinance.
- B. A person responsible for a fire alarm system shall maintain the system in a condition that avoids repeated faulty alarm activations to the extent required by applicable law, approved plans, manufacturer instructions, and applicable adopted standards.
- C. Nothing in this Article prohibits supervised testing, inspection, repair, maintenance, or drills conducted with notice required by this Ordinance.

### **Section 2. Repeated Faulty Alarms; Administrative Charges**

- A. Repeated faulty alarm activations may be subject to administrative charges, cost recovery, or civil penalties as established by this Ordinance, the County fee schedule, separate resolution, or other lawful County action.
- B. Any administrative charge, cost recovery, or civil penalty for repeated faulty alarm activations shall be imposed only after notice to the responsible party and an opportunity to correct or contest the charge or penalty as required by County procedure or applicable law.

- C. A properly noticed supervised drill or scheduled test shall not be treated as a false or faulty alarm solely because an alarm signal is transmitted during the noticed testing period, unless the transmission results from negligent testing, failure to follow the notice given, failure to place the system in the appropriate test status, or other conduct separately subject to enforcement.

## **ARTICLE XVII. REQUIRED FIRE-PROTECTION SYSTEMS OUT OF SERVICE**

### **Section 1. Notice**

When a required fire-protection system is out of service, the owner or occupant shall provide notice as required by applicable state code and county procedure.

### **Section 2. Fire Watch**

- A. When a required fire-protection system is out of service, impaired, or otherwise unavailable, the owner or responsible party shall provide a fire watch when required by applicable Indiana law, the applicable rule of the FPBSC, a lawful order, approved plans, this Ordinance, or written direction of the serving fire department issued under authority recognized by this Ordinance.
- B. The fire watch shall continue until the required fire-protection system is restored, accepted, and placed back in service, or until the serving fire department determines in writing that the fire watch is no longer required.
- C. The owner or responsible party shall be responsible for arranging and paying for any required third-party fire watch. Unless the County or serving fire department separately provides fire-watch services under a lawful written agreement or other lawful authority, fire-watch personnel shall not be provided by the County or serving fire department, and no County or fire-department fire-watch service charge shall be imposed.

### **Section 3. Fire-Watch Plan, Qualifications, and Logs**

- A. When a fire watch is required, the owner or responsible party shall submit a fire-watch plan to the serving fire department for review and written approval.
- B. The fire-watch plan shall identify, at minimum: (1) the premises or area covered; (2) the reason the fire watch is required; (3) the start date and anticipated duration; (4) the personnel or contractor responsible for the fire watch; (5) patrol areas and frequency; (6) communication method for reporting fire or emergency conditions; (7) log format and retention location; and (8) contact information for the owner or responsible party.
- C. The serving fire department may approve, reject, or require revision of a fire-watch plan based on objective fire-safety considerations, including building occupancy, hazard classification, system impairment, area affected, anticipated duration of impairment, occupant load, available exits, fire department access,

and the ability of the proposed fire watch to promptly detect and report fire or emergency conditions. Any approval, rejection, or required revision shall be in writing and shall identify the specific factor or factors supporting the determination. If the determination is not an order reviewable under IC 36-8-17, IC 4-21.5, Chapter 150, or another applicable statute, the written determination shall identify the County official or procedure, if any, available for administrative review. If no separate local review procedure has been adopted, the determination shall be treated as a written fire-safety determination subject only to any review available under applicable Indiana law.

- D. Fire-watch personnel shall: (1) be physically and mentally capable of performing the assigned duties; (2) be familiar with the building or area covered, the fire-protection systems affected, and emergency-reporting procedures; (3) carry a means of immediate communication with the emergency communications center; (4) be able to recognize fire or emergency conditions, notify emergency responders, assist with occupant notification, and maintain required logs; and (5) satisfy any additional qualification required by applicable Indiana law, the applicable rule of the FPBSC, an applicable adopted NFPA standard, or the approved fire-watch plan.
- E. Fire-watch logs shall be maintained on site while the fire watch is in effect and shall be made available to the serving fire department and Building Commissioner upon request.
- F. Nothing in this Article creates a County employment relationship with fire-watch personnel or requires the serving fire department to provide fire-watch personnel unless separately agreed or required by law.

## **ARTICLE XVIII. CERTIFICATE OF OCCUPANCY REQUIREMENTS**

### **Section 1. Acceptance Tests**

Before issuance of a certificate of occupancy for newly constructed, renovated, or remodeled Class 1 structures, the serving fire department shall be permitted to witness all required acceptance or performance tests for applicable fire-protection and life-safety systems.

### **Section 2. Documentation**

Before issuance of a certificate of occupancy, the applicant shall provide required records of completion, contractor certificates, and other installation documentation required by applicable code and adopted standards.

### **Section 3. Effect**

Completion of fire review under this Article is a condition precedent to issuance of the certificate of occupancy by the Building Commissioner.

## **ARTICLE XIX. APPEALS PROCESS**

### **Section 1. State-Law Appeals**

- A. Any person aggrieved by an order issued under IC 36-8-17-9, or by any other order for which Indiana law provides review through the FPBSC or under IC 4-21.5, shall pursue review exclusively in the manner provided by Indiana law, including IC 36-8-17-10, IC 36-8-17-11, and IC 4-21.5, as applicable.
- B. Any informal review available under IC 36-8-17-10 is supplemental only and does not replace, expand, or toll any state-law deadline unless state law expressly provides otherwise.
- C. Any order issued under this Ordinance that is intended to be reviewed under Indiana law shall include a notice substantially advising the recipient that review rights, deadlines, and procedures are governed by the applicable Indiana statutes and IC 4-21.5, and that any local review described in County Code is supplemental only.

### **Section 2. Supplemental Local Cross-Reference**

To the extent Chapter 150 provides any separate appeal right for matters governed by that chapter, such right is supplemental only and does not displace the state-law appeal route for orders issued under IC 36-8-17.

### **Section 3. No Local Substitute Tribunal**

Nothing in this Ordinance designates the Building Commissioner, a county board, or any other local body as the primary appellate tribunal for state-law fire orders subject to IC 36-8-17 and IC 4-21.5.

## **ARTICLE XX. INSPECTION PROCESS**

### **Section 1. General**

- A. Inspections may be performed for new construction, existing Class 1 structures, fire-protection systems, acceptance tests, reinspection, and complaint or hazard response as permitted by Indiana law and this Ordinance.
- B. The County may prioritize inspections based on risk, occupancy, system type, and available qualified personnel.

### **Section 2. Existing Structures**

- A. After an inspection, the inspector may issue a written report identifying violations and a correction period.
- B. Reinspection may occur after the correction period.



- C. If an immediate fire or life-safety hazard is found, the inspector may issue or seek issuance of a lawful order requiring immediate corrective action, restriction of occupancy, evacuation, or other relief authorized by law.
- D. Any emergency, temporary, or immediate-hazard order issued or sought under this Ordinance shall be limited to relief authorized by Indiana law and shall be processed in conformity with any state-law prerequisites applicable to that type of order.

### **Section 3. Limits**

Inspection, review, permitting, testing, or approval under this Ordinance does not constitute a warranty of safety, code compliance, or freedom from defects.

## **ARTICLE XXI. OPEN BURNING**

### **Section 1. Coordination with Chapter 133 and State Law**

- A. Open burning within the unincorporated areas of Warrick County shall be governed by Warrick County Code Chapter 133 and by applicable Indiana law and state administrative rules, including applicable IDEM open-burning rules.
- B. This Ordinance does not create a separate substantive open-burning permit program and does not duplicate or supersede Chapter 133, any permit, exception, prohibition, enforcement procedure, or authority established by Chapter 133, or any applicable state law.
- C. Warrick County Code § 133.04(A)(5) recognizes open burning of wood products, except leaves, upon permit from a local fire department within the County. Any such local fire-department permit authority shall be exercised only within the scope of Chapter 133 and applicable Indiana law.
- D. Warrick County Code § 133.04(B) separately addresses open burning of non-wood products and requires, except as allowed by state law and regulation, applicable state authorization and a permit by the Board of Commissioners. Nothing in this Ordinance transfers that authority to a serving fire department.

### **Section 2. Fire Department Role**

- A. A serving fire department may review, respond to, report, refer, or act on open-burning conditions as authorized by Chapter 133, applicable state law, County procedure, or other lawful authority.
- B. A serving fire department may issue an open-burning permit only to the extent Chapter 133, applicable state law, or other lawful County action expressly authorizes the serving fire department to do so.

- C. If an open-burning condition creates, or based on observable conditions reasonably appears to create, a nuisance, fire hazard, unsafe condition, pollution problem, threat to public health, or other condition requiring extinguishment, emergency response, referral, or enforcement under Chapter 133, applicable Indiana law, County procedure, or other lawful authority, the serving fire department may respond, require extinguishment, issue a notice or referral, request assistance, or take other action only to the extent authorized by Chapter 133, applicable Indiana law, County procedure, or other lawful authority.
- D. The reference to a nuisance condition in this Section is intended to track Chapter 133 and applicable state open-burning law. It does not create a separate open-burning violation, permit requirement, penalty, or enforcement procedure under this Ordinance; does not authorize the serving fire department to adjudicate private nuisance claims under IC 32-30-6-6; and does not prohibit open burning that is otherwise allowed by Chapter 133 and applicable state law unless the burning creates a condition requiring extinguishment, response, referral, or enforcement under Chapter 133, state law, or other lawful authority. Any fire-department determination that an open-burning condition creates or reasonably appears to create a nuisance condition is limited to operational response, extinguishment, referral, or enforcement purposes and does not constitute a legal adjudication of a private nuisance claim.

### **Section 3. Enforcement; Penalty Cross-Reference**

- A. Enforcement of Chapter 133 remains governed by Chapter 133, including § 133.06 and § 133.99, and by applicable Indiana law.
- B. Monetary penalties, injunctions, or other remedies for open-burning violations shall be imposed, pursued, or collected only under Chapter 133, applicable Indiana law, or other lawful County action. This Ordinance does not create a separate penalty schedule for open burning.

## **ARTICLE XXII. OTHER REQUIREMENTS**

### **Section 1. Traffic-Signal Preemption**

Where a new development is required by applicable law or approved plans to install or upgrade a traffic-control signal affecting emergency response, emergency vehicle preemption equipment may be required if authorized by applicable law and approved by the appropriate authorities.

### **Section 2. Address Identification**

Buildings and suites shall display address numbers or other approved identification in accordance with applicable code requirements so that emergency responders can readily identify the premises.

### **Section 3. Interference**

No person shall obstruct, hinder, or interfere with a lawful inspection, test, emergency response, or enforcement action by the Building Commissioner, the serving fire department, or other authorized officials.

#### **Section 4. Variances**

- A. A variance from a state statute, state rule, or requirement adopted by the FPBSC shall be sought only through the FPBSC or other state body having jurisdiction under Indiana law.
- B. Nothing in this Ordinance authorizes the Building Commissioner, the serving fire department, or any local board or official to grant a variance from a state-adopted fire or building requirement.
- C. If the County establishes any administrative relief process for a purely local requirement that does not duplicate a state-adopted standard, that process shall be expressly created by separate county enactment and shall be construed narrowly.

### **ARTICLE XXIII. DISCLAIMERS; SEVERABILITY; HARMONIZATION**

#### **Section 1. Severability**

If any provision of this Ordinance is held invalid, the remaining provisions remain in effect to the fullest extent permitted by law.

#### **Section 2. Harmonization with Other County Code Provisions**

- A. This Ordinance shall be read in harmony with Chapter 133, Chapter 150, and Chapter 154.
- B. Chapter 150 controls permit issuance, certificates of occupancy, and stop-work coordination except where state law expressly provides otherwise.
- C. Chapter 133 controls substantive open-burning regulation.

#### **Section 3. Repealer**

All ordinances or parts of ordinances in conflict with this Ordinance are repealed only to the extent of the conflict.

#### **Section 4. Codification**

The County may codify, renumber, reletter, and make non-substantive formatting corrections to this Ordinance consistent with its intent.

### **ARTICLE XXIV. FEES, ADMINISTRATIVE CHARGES, CIVIL PENALTIES, COST RECOVERY, AND PAYMENT ROUTING**

## Section 1. Fees and Service Charges

- A. The Board of Commissioners may establish by ordinance, resolution, or fee schedule reasonable fees and service charges for plan review, fire review, acceptance-test witnessing, reinspection, document reproduction, administrative processing, and other services performed under this Ordinance.
- B. Fees and service charges shall be reasonably related to the County's cost of administration, review, inspection, or service unless a different amount is authorized by Indiana law.
- C. No fee or service charge under this Section creates independent authority for the serving fire department to issue a building permit, certificate of occupancy, improvement location permit, stop-work order, plat approval, subdivision approval, driveway approval, drainage approval, roadway approval, or utility approval.
- D. Initial Fire-Protection Fee Schedule. The following initial fee schedule is adopted for purposes of this Ordinance, subject to amendment by ordinance, resolution, fee schedule, or other lawful County action. Each amount shall be characterized and enforced under the applicable category in this Article and shall be subject to the notice, contest, payment-routing, statutory-cap, and savings provisions of this Article.

| Description                                                                                  | Category              | Amount / Formula |
|----------------------------------------------------------------------------------------------|-----------------------|------------------|
| Annual Inspection                                                                            | Fee / service charge  | No charge        |
| First Reinspection<br>(approximately 30 days)                                                | Fee / service charge  | No charge        |
| Second Reinspection<br>(approximately 15 days)                                               | Reinspection fee      | \$100.00         |
| Third and all subsequent<br>reinspections (approximately 5<br>days)                          | Reinspection fee      | \$250.00         |
| Initial site and construction<br>inspections                                                 | Fee / service charge  | No charge        |
| Fire alarm / sprinkler system -<br>initial acceptance test                                   | Fee / service charge  | No charge        |
| Hood suppression system -<br>initial acceptance test                                         | Fee / service charge  | No charge        |
| All subsequent acceptance<br>tests, all types                                                | Acceptance-test fee   | \$75.00          |
| Certificate-of-Occupancy Fire<br>Review / Occupancy<br>Coordination Administrative<br>Charge | Administrative charge | \$25.00          |

| Description                                                            | Category                | Amount / Formula                                                                                                                                                                                   |
|------------------------------------------------------------------------|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Construction / building plan review                                    | Plan-review fee         | \$0.10 per square foot / \$75.00 minimum                                                                                                                                                           |
| Automatic sprinkler system per NFPA 13                                 | System-review fee       | Number of risers or systems x \$100.00                                                                                                                                                             |
| Fire alarm system per NFPA 72                                          | System-review fee       | Number of fire alarm annunciation zones x \$100.00                                                                                                                                                 |
| Special hazard system, including hood suppression system               | System-review fee       | Number of systems x \$100.00                                                                                                                                                                       |
| Modifications to an existing system                                    | Modification-review fee | Item being modified x \$75.00                                                                                                                                                                      |
| Construction or installation without required Fire-Protection Approval | Civil penalty           | Civil penalty up to five (5) times the otherwise applicable Fire-Protection Approval fee, subject to the statutory cap and savings clause; no automatic stop-work order is created by this penalty |

| Description                                                                                                        | Category              | Amount / Formula                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------------------------------|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Failure to provide, maintain, document, or comply with a required fire watch                                       | Civil penalty         | \$350.00 per day for each required fire-watch position identified in the approved fire-watch plan, lawful order, or written fire-watch determination; IDHS may be notified where appropriate |
| Occupancy before required fire approval, fire documentation, or certificate-of-occupancy coordination is completed | Civil penalty         | \$250.00 per day                                                                                                                                                                             |
| False / faulty alarms, alarms 4-6 in a calendar year                                                               | Administrative charge | \$75.00 each occurrence                                                                                                                                                                      |
| False / faulty alarms, alarms 7-10 in a calendar year                                                              | Administrative charge | \$150.00 each occurrence                                                                                                                                                                     |
| False / faulty alarms, alarms 11 and beyond in a calendar year                                                     | Administrative charge | \$250.00 each occurrence                                                                                                                                                                     |
| Tampering with a life-safety system                                                                                | Civil penalty         | \$500.00 each occurrence; IDHS and law enforcement may be notified where appropriate                                                                                                         |

## Section 2. Administrative Charges

- A. The Board of Commissioners may establish by ordinance, resolution, or fee schedule administrative charges for repeated faulty alarms, missed or rescheduled acceptance tests, failure to provide required notice of testing, failure to submit required reports, or similar administrative events under this Ordinance.
- B. Administrative charges are not civil penalties unless expressly designated as civil penalties.
- C. Administrative charges shall be subject to the notice and opportunity-to-contest procedures in Section 8 unless a different procedure is required by Indiana law.

### **Section 3. Civil Penalties**

- A. A violation of this Ordinance may be enforced as a civil ordinance violation to the extent authorized by Indiana law.
- B. Civil penalties shall not exceed the maximum amount permitted by IC 36-1-3-8(a)(10)(B), IC 36-1-6, or other applicable Indiana law.
- C. A continuing violation may be treated as a separate violation for each day the violation continues only to the extent authorized by Indiana law and only after the notice, cure, and enforcement procedures applicable to the violation have been satisfied.
- D. This Ordinance does not create a local criminal offense. Conduct that may independently violate state criminal law may be referred to the appropriate law-enforcement or prosecuting authority.

### **Section 4. Fire-Watch Costs**

- A. Required fire watch shall be provided by the owner, occupant, contractor, or other responsible party at that party's expense through qualified personnel or a qualified third-party provider approved under Article XVII.
- B. The County and serving fire department shall not charge a fire-watch service fee unless the County or serving fire department actually provides fire-watch services under separate lawful authority, written agreement, or County-approved arrangement.
- C. Failure to provide, maintain, document, or comply with a required fire watch may be enforced as a civil ordinance violation under this Article.
- D. Any County cost recovery shall be limited to costs actually incurred by the County and authorized by Indiana law, County ordinance, approved fee schedule, written agreement, or lawful order.
- E. Any civil penalty or cost-recovery charge shall be subject to the notice and opportunity-to-contest procedure in Section 8.

### **Section 5. County Cost Recovery**

- A. The County may recover administrative, enforcement, inspection, abatement, or other costs incurred under this Ordinance only to the extent authorized by Indiana law, County ordinance, approved fee schedule, written agreement, or lawful order.
- B. County cost recovery shall not be used to impose a civil penalty in excess of the statutory cap applicable to the violation.



## **Section 6. Emergency-Response, Hazardous-Materials, and Fire-Department Service Cost Recovery**

- A. Emergency-response, hazardous-materials, and fire-department service cost recovery shall be handled only under the specific statutory authority applicable to that type of response, including without limitation IC 13-25-3, IC 36-8-12.2, IC 36-8-12.7, and IC 36-8-12-13, and the procedures established under those statutes.
- B. This Ordinance does not create independent authority to bill for emergency response, hazardous-materials response, or fire-department service response separate from the applicable state statutory framework, County ordinance, written agreement, or lawful fee schedule.

## **Section 7. Direct Fire-Department Billing**

- A. Nothing in this Ordinance prohibits a serving fire department from billing or collecting amounts that the fire department is independently authorized to bill or collect under Indiana law, written agreement, or lawful County action.
- B. Direct fire-department billing shall remain separate from County fees, County administrative charges, County civil penalties, and County cost recovery unless the Board of Commissioners expressly provides otherwise by ordinance, resolution, written agreement, or fee schedule.

## **Section 8. Notice and Opportunity to Contest**

- A. Before imposing a County administrative charge, civil penalty, fire-watch cost, or County cost-recovery charge under this Ordinance, the County or authorized official shall provide written notice identifying the basis for the charge or penalty, the amount, the responsible party, the payment deadline, the available method to contest the charge or penalty, and the consequence of nonpayment.
- B. The opportunity to contest shall be provided through the appeal or review process applicable to the underlying order, charge, penalty, or County action. This Section does not create a local substitute tribunal for any appeal assigned by Indiana law to a state agency, court, or other tribunal.

## **Section 9. Payment Routing and Fiscal Procedures**

- A. Unless otherwise provided by ordinance, resolution, fee schedule, written agreement, or Indiana law, amounts owed to Warrick County under this Ordinance shall be paid to the Warrick County Treasurer or other County office designated by the Board of Commissioners.
- B. County fiscal officers shall account for payments, deposits, refunds, and distributions in accordance with Indiana law, State Board of Accounts requirements, County fiscal procedures, and any applicable fee schedule or fund designation.

- C. Amounts owed directly to a serving fire department under independent statutory authority, written agreement, or lawful County action shall be routed as provided by that authority or agreement.

#### **Section 10. Savings Clause**

- A. No fee, administrative charge, civil penalty, cost-recovery charge, fire-watch cost, or direct billing provision under this Ordinance shall be construed to exceed the amount, procedure, or authority permitted by Indiana law.
- B. If a stated amount, formula, or procedure exceeds the authority permitted by Indiana law, the amount, formula, or procedure shall be limited to the maximum amount and procedure allowed by Indiana law without invalidating the remaining provisions of this Ordinance.

### **ARTICLE XXV. APPENDICES**

#### **Section 1. Reference Materials**

- A. The following materials are not incorporated as enforceable law by this Ordinance. They may be consulted only as nonbinding reference guidance for the limited purposes stated in the referenced Articles, subject to approved plans, applicable Indiana law, applicable FPBSC rules, Chapter 150, County roadway, driveway, subdivision, drainage, utility, and development-review standards, and the authority of the official, board, commission, or agency with lawful jurisdiction:
  - 1. Appendix B (Fire-Flow Requirements for Buildings) of the International Fire Code, 2012 Edition, first printing dated May 2011, as published by the International Code Council, not incorporated as enforceable law and available only as nonbinding reference guidance for the limited purposes stated in Article X.
  - 2. Appendix C (Fire Hydrant Locations and Distribution) of the International Fire Code, 2012 Edition, first printing dated May 2011, as published by the International Code Council, not incorporated as enforceable law and available only as nonbinding reference guidance for the limited purposes stated in Article XI.
  - 3. Appendix D (Fire Apparatus Access Roads) of the International Fire Code, 2012 Edition, first printing dated May 2011, is not incorporated as enforceable law by this Ordinance. Appendix D may be consulted only as nonbinding reference guidance for fire-apparatus access considerations under Article XIII, subject to approved plans, County roadway, driveway, subdivision, drainage, utility, and development-review standards, and the authority of the official, board, commission, or agency with lawful jurisdiction.

4. Reserved.

## **Section 2. No Dynamic Incorporation**

No later amendment, revision, supplement, or successor edition of any material incorporated by reference in this Ordinance is incorporated automatically. Any change to an incorporated material requires express amendment of this Ordinance by ordinance.

## **ARTICLE XXVI. EFFECTIVE DATE**

### **Section 1. Effective Date**

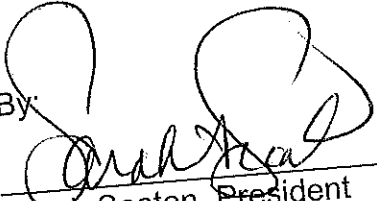
This Ordinance shall take effect only after adoption by the Board of Commissioners, completion of publication required by IC 5-3-1 and IC 36-2-4-8, and placement of all materials incorporated by reference, if any, on file for public inspection as required by IC 36-1-5-4, unless a later effective date is stated in the adopting ordinance. Any provision establishing or increasing a fee, charge, civil penalty, or other monetary obligation shall take effect only as provided by applicable Indiana law following required publication and County fiscal action.

### **Section 2. Publication and Filing**

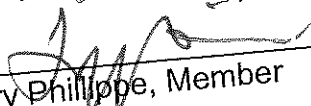
The Warrick County Auditor shall cause this Ordinance to be published as required by Indiana law, including publication required for ordinances prescribing penalties or forfeitures, and shall maintain proof of publication.

The Warrick County Auditor, as clerk and recordkeeper for the Board of Commissioners for purposes of this Ordinance, or such other County office as the Board of Commissioners may designate by resolution as the recordkeeping office for incorporated materials, shall maintain at least two (2) copies of each material incorporated by reference in this Ordinance, if any, for public inspection during regular business hours in compliance with IC 36-1-5-4. The Auditor may also maintain copies of nonbinding reference materials identified in Article XXV for convenience and public transparency.

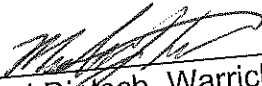
The Warrick County Auditor shall deliver certified copies of this Ordinance to any County office, code publisher, or state agency entitled to a copy under Indiana law or County procedure.

By:   
\_\_\_\_\_  
Sarah Seaton, President

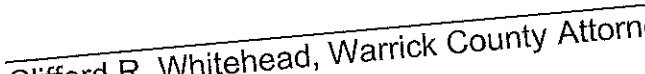
  
Stacey Franz, Vice President

  
Terry Phillipe, Member

ATTEST:

  
Michael Dietsch, Warrick County Auditor

APPROVED AS TO FORM:

  
Clifford R. Whitehead, Warrick County Attorney